

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 282

This is an advisory opinion in response to your letter requesting advice from the Ethics Commission as to whether a conflict of interest would be created if you complete some work with private clients after beginning employment with the City.

The Commission understands the facts relative to your inquiry to be as follows:

You became a Deputy Prosecuting Attorney [DPA] of the City and County of Honolulu on (specific date). Prior to that time you had been a solo practitioner, working primarily in the area of criminal defense in the state and federal courts. Once you knew you would be working as a DPA, you began to file motions to withdraw from your criminal cases.

The state courts granted your motions. However in federal court Judge Ezra did not immediately grant the motion, but asked you to seek an opinion from the Office of Disciplinary Counsel [ODC] as to whether you could continue to represent your client at his sentencing hearing in a particularly complex case. As a result of Judge Ezra's response, you assumed other such motions would be treated similarly in federal court. Therefore, you did not seek to withdraw from your one other remaining federal sentencing hearing, but included that matter in your question to ODC.

ODC staff found no problem with you completing your cases, but recommended that you also seek an Ethics Commission opinion on the matter. At that point you requested this Commission's advice.

The ethical question presented is whether a conflict of interest would be created if you represent two different clients at their federal sentencing hearings while employed by the City as a DPA. The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-102 (c), which states in pertinent part:

No...appointed officer...shall...[e]ngage in any business transaction or activity...which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such person's official duties.

Based on the evidence presented, the Commission finds that no conflict of interest will be created under City ethics laws when you represent two clients from your previous practice at their federal sentencing hearings.

Dated: August 11, 1997

GOLDIE D. BRANGMAN-DUMPSON  
Chair, Ethics Commission